



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,599	11/21/2003	Kyu-Sang Lee	1293.1922	8210

21171 7590 07/20/2006

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2627

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 2627

***Conclusion***

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The IDS documents filed on 8/30/05, 6/3/05 and with the application have been considered. Since the search reports are not "prior" art, they have been crossed off – i.e., not to be printed if and when the application becomes a patent.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1,4,58, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following problems exist:

- a) Claim 1 recites a "main" title, however such is not defined in the claim. The examiner cannot reconcile claim 3 with the "main" title.
- b) Claim 4 recites "another specified mode", however; such is not defined in the claim.
- c) Claim 5 doesn't further define/restrict the method of claim 1, i.e., no further step(s) limitation.
- d) With respect to claim 8, the recited "post command" has not been defined.
- e) With respect to claim 10, the "another specified mode isn't defined.

As far as the claims recite positive limitations, the following rejections are made.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2627

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 4,7,16,17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Korean document 009012 further considered with d'Alayer de Costemore d'Arc further considered with Harvey (5109414).

As noted in the communication associated with the IDS of 5/30/05 the Korean document discloses a cd player – for the selection of playing back cd tracks. There is no specific mentioning of an automatic ejection capability by comparison of a time criteria.

The secondary reference to d'Arc discloses in this environment a playback device having the appropriate ejection capability. Whether manual or automatic is not of patentable moment.

With respect to the ability of using a time criteria to control an appropriate mode of operation for a recroding/playback device, such is taught y the Harvey system – see the abstract.

It would have been obvious to modify the Korean document with the above additional teachings from both d'Arc and Harvey so as to provide for an automatic “ejection” of the record medium relying upon an appropriate time criteria – such as comparison of a time period.

With respect to claim 4, the d'Arc system further teaches the ability of providing for/establishing a plurality of alternative/another mode of operation as desired by the operator.

With respect to claim 7, the ejection can be established at the appropriate moment by the user.

With respect to claims 16,17 and 20 they are met as analyzed above

Art Unit: 2627

7. Claims 2,5, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Official notice.

DVD systems/discs have incorporated therein program chain information. Hence reference to such standard protocols in DVD discs is established when using a DVD disc/format as the selected disc.

It would have been obvious to modify the base system as relied upon above and playback a DVD, motivation is to increase the overall system by having DVD playback capability.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Hoffenberg et al.

The use of "menus" as graphic user interfaces for their inherent use in this environment is further taught by the Hoffenberg et al reference.

It would have been obvious to modify the base system as relied upon above with respect to claim 1 and further modify such so as to use "menus" as the user interface with a playback device.

Such usage is standard operating procedures in this environment.

9. Claims 3,19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of themselves.

Claims 3,19 and 22 attempt to define the overall invention by defining the "main title" as the one with the longest time period. Certainly in the above system as stated with respect to claim 1, selection of any/all of the desired tracks to be played back and comparison to a time – such as that further elaborated upon in the secondary reference(s) includes a "longest time". Hence the examiner concludes that the ability of setting an upper range for the time criteria/threshold evaluation is merely a selection among a plurality of time periods and merely an optimization of the overall system parameters –i.e., set an appropriate threshold (time) as desired by the user.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korean reference 009012 further considered with d'Arc and all further considered with Murase...

Art Unit: 2627

As noted in the communication associated with the IDS of 5/30/05 the Korean document discloses a cd player – for the selection of playing back cd tracks. There is no specific mentioning of an automatic ejection capability by comparison of a time criteria.

The secondary reference to d'Arc discloses in this environment a playback device having the appropriate ejection capability. Whether manual or automatic is not of patentable moment.

The ability of having an appropriate stop capability found in the program chain is taught by the Murase system – see the discussion with respect to figure 14.

It would have been obvious to modify the base system of the Korean document with d'Arc and further with the additional teaching form Murase, motivation is as discussed in Murase to provide for appropriate command capability incorporated into the program chain and provide for user transparency.

11. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 8 above, and further in view of recording techniques.

The ability of providing for a record medium so as to be read by a computer is considered well known in this environment. Hence the ability of providing for a set of instructions in order to automatically eject a disc along the protocols of either claim 1 or 8 is merely an exercise in programming – and then recording such steps/protocols onto a computer readable medium.

It would have been obvious to modify a computer readable medium with a set of instructions outlining the protocols established by the overall combination of references with respect to those relied upon with respect to claim 1 and 8, motivation is to provide for an archival record of desired steps for subsequent retrieval.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2627

A handwritten signature in black ink, appearing to read 'Aristotelis M Psitos', written over the printed name and title.

AMP